Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number: Q60742	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number: 09/667,779	Filed: September 22, 2000
	First Named Inventor: Nicolas BROGNE	
	Art Unit: 2151	Examiner: Khanh Q. DINH

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23373
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

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July 3, 2006
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Nicolas BROGNE, et al.

Docket No: Q60742

Appln. No.: 09/667,779

Group Art Unit: 2151

Confirmation No.: 1269

Examiner: Khanh Q. DINH

Filed: September 22, 2000

For: A METHOD OF MANIPULATING AN ALREADY SENT E-MAIL AND CORRESPONDING SERVER

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated January 3, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

In a system of the type wherein an email sent from a sender to a plurality of addressees is stored at a server, the invention is directed to constraining modification of an email if any addressee has accessed it. The last paragraph of claim 1 includes the limitation "wherein the modification of said e-mail body is denied to all addressees if at least one addressee has accessed said e-mail body on said server". Essentially the same limitation is found in the last paragraphs of the other independent claims 3 and 11.

Claims 1, 2, 11 and 12 are rejected as anticipated by Nielsen (USP 5,870,548).

Beginning at line 65 of column 14, Neilsen describes that if a sender of a previous email sends a cancel message and the original email has already been seen by the recipient, the recipient is given a number of choices as to what to do with the previously sent email. The two

choices are (1) ***deleting the original email*** or (2) treating the cancel message as a normal message. If the recipient elects to delete the original email, the email is deleted from the recipient's email system. This is directly contrary to what is recited in claim 1, which states that modification of the email body is denied to all addressees if at least one addressee has accessed the email body. Thus, there cannot possibly be anticipation of claim 1, or of claim 11 which includes the same limitation.

Beginning at line 26 of column 16, Neilsen describes what happens when the sender attempts to modify an email that has already been seen by the recipient. As is clearly described there, the sender is in fact permitted to modify the email, and the recipient is notified. So according to Neilsen, ***no one*** is denied the right to modify the email even after it has been accessed by an addressee.

Claims 3-10 are rejected as unpatentable over Neilsen in view of Uchida (USP 6,327,610).

Uchida is relied on by the examiner to teach the access code recited in claim 3. Uchida is not relied on to teach, nor does it teach, the denial of modification of an email if any addressee has accessed the email. Thus, there is nothing in either reference to teach the denial of modification rights to all addressees if any addressee has accessed the email, particularly since Neilsen explicitly permits an addressee to delete the email after it has been accessed, even after a cancel message is sent by the sender.

For the above reasons, it is very clear that the subject matter defined in independent claims 1, 3 and 11 (and therefore all dependent claims as well) is neither shown nor suggested in the applied art.

Applicants would like to amend claims 1, 3 and 11 to delete the phrase "to all addressees" so that the claims will be describing denial of modification that would otherwise occur as a result of a modification message sent from the sender. The examiner has refused entry of such an amendment. If such an amendment were entered, the claims would still not be shown

or suggested in the applied art. As discussed above, Neilsen allows the sender to modify/cancel the email even after it has been accessed. Note particularly the discussion beginning at line 26 of column 16 where the patentee points out that the sender is allowed to modify the email even after it has been accessed, and the recipient is notified that the previously sent email has now been changed.

It should also be noted that, as shown in Fig. 2 of Neilsen, that reference is dealing with an arrangement wherein an email message is sent from a sender email system 200 to a receiver email system 202. As described at lines 30-43 of column 6, a message sent by the sender is sent over the internet and stored in the receiver email system where it is processed and is no longer under the control of the sender. At columns 6-11 Neilsen then describes various details about the forming of a modify or cancel message by the sender, and at lines 17-20 of column 10 and lines 12-15 of column 11 point out that the cancel or modify messages are then sent to the recipient email system using the same prior art methods as used for sending the original email.

Beginning at line 16 of column 11, Neilsen then describes what happens at the receiving email system. A first point to note is that this is the receiving email system. It is not a "a server that operates independently from any e-mail processing means associated with each of said addressees and on which at least the body of said sent e-mail is stored" as is required of claim 1 of the present application. This is a conventional system where the emails sent by the sender are received by and stored at the receiving email system. For this reason alone, there cannot possibly be any anticipation of the present claims by Neilsen.

Also, the claimed invention is about not permitting modification of an email body that has been accessed by the recipient. Neilsen does permit modification by the sender even after the email has been read, and also permits the addressee to delete, so Neilsen does not anticipate

claim 1. Neilsen is nothing more than the conventional email system discussed in the paragraph bridging pages 1-2 of the present application.

Respectfully submitted,

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